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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

29  
30 **ANTHONY GRECO,**

CASE NO.: 8:11-cv-00771-CJC-RNB

31 Plaintiffs,

**JOINT CASE MANAGEMENT  
STATEMENT**

32 vs.

Fed. R. Civ. P. 26(f)

33 **APEX FINANCIAL  
MANAGEMENT,**

34 Defendant.

35 (Assigned to Hon. Cormac J. Carney)

36  
37 Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, counsel

1 for Plaintiff and counsel for Defendant conferred to discuss the matters set forth  
2 in Rule 16, Rule 26(f), and the Court's Order dated September 1, 2011, setting the  
3 Scheduling Conference. The parties hereby submit their Joint Case Management  
4 Statement:

5 **1. Jurisdiction and Service:**

6 Plaintiff asserts that this Court's jurisdiction is based on 15 U.S.C.  
7 §1692k(d) and 28 U.S.C. §1331.

8 The parties are not aware of any issues regarding personal  
9 jurisdiction or venue.

10 At this time, Plaintiff is not aware of any additional parties to be  
11 served, but asks that the time for service remain open until the completion of  
12 discovery. Defendant requests that the Court set a deadline specifying that any  
13 new parties must be added within 30 days of the Scheduling Conference, unless a  
14 motion for leave to add an additional party is granted upon a showing of good  
15 cause.

16 **2. Facts:**

17 **Plaintiff:**

18 Plaintiff alleges that Defendant violated the FDCPA and the  
19 RFDCPA while attempting to collect an alleged debt. Plaintiff alleges that  
20 Defendant called him excessively while attempting to collect the debt. Plaintiff  
21

1 further alleges that Defendant used alarming language and threatened Plaintiff  
2 with legal action.  
3

4 **Defendant:**

5 Defendant has filed an Answer denying all material allegations of the  
6 Complaint, and asserting various affirmative defenses.  
7

8 **3. Legal Issues**

9 **Plaintiff:**

10 Plaintiff alleges that Defendant violated the FDCPA and the  
11 RFDCPA while attempting to collect a debt. Defendant's violations include  
12 violations of 15 U.S.C. §1692c(a)(1) and §1692d(5), as to the FDCPA and Cal  
13 Civ Code §1788.11(d) and §1788.11(e), as to the RFDPGA.  
14  
15

16 **Defendant:**

17 Legal issues include: whether Defendant's actions violated the  
18 FDCPA and RFDCPA, and whether Plaintiff's claims are barred or diminished by  
19 Defendant's affirmative defenses.  
20  
21

22 **4. Motions**

23 **Plaintiff:**

24 Plaintiff anticipates filing a motion for summary judgment.  
25  
26  
27  
28

1                   **Defendant:**

2                   Defendant anticipates filing a motion for summary judgment.

3

4                   **5. Amendment of Pleadings**

5                   Plaintiff intends to amend the Complaint to add additional violations,  
6 but requests the right to do so until after the complete review of Defendant's  
7 collection file regarding Plaintiff. Defendant requests that the Court set a  
8 deadline specifying that any motion for leave to amend be filed within 30 days of  
9 the Scheduling Conference.

10

11                   **6. Disclosures**

12                   The parties will exchange the information required by Federal Rules  
13 of Civil Procedure 26(a)(1) on or before November 17, 2011.

14

15                   **7. Discovery**

16                   The parties do not require any limitations on discovery. The parties  
17 will meet and confer regarding the terms of a Stipulated Protective Order if  
18 necessary. The parties jointly propose to the Court the following discovery plan:

19

20                   **a) All fact discovery will be commenced in time to be completed by  
21 May 21, 2012.**

22

23                   The number of interrogatories, requests for admissions, and requests  
24 for production of documents, as well as the number and length of depositions  
25 shall be as set forth in the Federal Rules of Civil Procedure.

1                   **b) Disclosure of experts under Federal Rule of Civil Procedure**  
2                   **26 (e)(2) due:**

3                   All parties will provide the disclosures required on or before May 28,  
4  
5                   2012. Counter-designations of experts will be made on or before June 25, 2012.  
6  
7                   Expert discovery will be completed by July 16, 2012.

8                   **8. Related Cases**

9                   None.

10                  **9. Relief**

11                  Plaintiff seeks relief as follows: \$2,000.00 for statutory violations,  
12  
13                  any actual damages proved through discovery, plus attorney's fees and costs.

14                  **10. Scheduling**

15                  The parties propose that the cut-off date for fact discovery be May  
16  
17                  21, 2012; the cut-off for expert discovery be July 16, 2012; the last day for the  
18  
19                  Court to hear dispositive motions be February 6, 2012, a pretrial conference be  
20  
21                  held on August 13, 2012; and trial on August 27, 2012.

22                  **11. Trial**

23                  The parties request a trial by jury. The parties estimate that this case  
24  
25                  will take approximately 2 days for trial. It is anticipated that the case will be  
26  
27                  ready for trial by August 27, 2012.

28                  **12. Settlement and ADR**

29  
30                  The parties agree to assignment to an attorney settlement officer

1 under ADR auspices.

2 Respectfully submitted this 4<sup>th</sup> of November, 2011.

3 By: s/Todd M. Friedman  
4 Todd M. Friedman  
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6 Attorney for Plaintiffs

7 By: s/Arvin C. Lugay  
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9 Simmonds & Narita LLP  
Attorney for Defendant

1 Filed electronically on this 4th of November, 2011, with:

2 United States District Court CM/ECF system

3

4 Notification sent electronically on this 4th of November, 2011, to:

5 Honorable Cormac J. Carney  
6 United States District Court  
7 Central District of California

8 Arvin C. Lugay  
9 Simmonds & Narita LLP  
10 Attorney for Defendant

11 The 4th of November, 2011

12 s/ Todd M. Friedman  
13 Todd M. Friedman

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